

# COHEN & GREEN

April 10, 2023

Hon. Sanket J. Bulsara, U.S.M.J.  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

By Electronic Filing.

**Re: Cunningham v. City of New York, 22-cv-00588 (LDH)(SJB)**

Dear Judge Bulsara:

I am co-counsel for Plaintiff in this case. I respectfully request that the Court issue an Order granting Plaintiff leave to file the attached proposed Amended Complaint, which substitutes in Defendant Pedro Lopez for current Defendant Yuriy Akopov. Photos of Defendant Lopez show him wearing the shield number “1836” on his helmet, which is the shield number of NYPD Sergeant Yuriy Akopov.

Defendants position is as follows: "Defendants City, Akopov, Sofizada, and Card object to paragraphs 40 and 41 of the Amended Complaint as Office Pedro Lopez was wearing his own helmet. Defendants City, Akopov, Sofizada, and Card otherwise do not object to the Amended Complaint."

However, Plaintiff notes for the Court's attention that she does not allege that Defendant Lopez was not “wearing his own helmet” but rather that Lopez was wearing the incorrect shield number on his helmet. Counsel have scheduled a call to discuss this issue on April 25<sup>th</sup>, when defense counsel returns from leave. In any event, Plaintiff respectfully requests that the Court grant Plaintiff's request since the Defendants largely consent to the filing of this Amended Complaint and purport to object based only on a mischaracterization of Plaintiff's allegations. We all thank the Court for its attention to this matter.

Respectfully submitted,

/s/

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cc:  
All relevant parties by ECF.